

- Result:
  - Time schedule in permit
  - Aggressive, but reasonable
  - Full compliance by May 1, 2004
  - **NO** Cease and Desist Order
  - Includes major effluent requirements (BOD, Bacteria, Turbidity, Cyanide, Zinc, Lead, Lindane, Dissolved Oxygen and Temperature)
- Our Issue:
  - Dilution/Mixing Credit for trace pollutants
- Result:
  - No dilution credit, but . . .
  - Compliance is in schedule
  - Slightly higher limits on metals
  - Ability to do site specific study
- Our Issue:
  - No Tertiary without Basin Plan Update
- Result:
  - No change, but . . .
  - Compliance is in schedule
- Our Issue:
  - Reasonable limits for Lindane
- Result:
  - Limit set at detection limit of 0.02µg/l achievable by 20% of labs
  - Compliance is in schedule
- Our Issue:
  - SB709 – Immediate Fines
- Result:
  - Eliminated due to time schedule and removal of Cease and Desist
  - However, we need to show progress

**Recommended Actions**

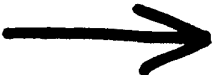
- Finish Master Plan promptly
- Work with West Yost and subconsultants on additional studies specified in permit
- Seek grant funding for recycling studies

No Council action was required.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

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- a) Don Lindsay, 384 Valley Avenue, Lodi once again addressed the City Council voicing his opposition to the recently adopted ordinance regarding truck parking in Lodi. Mr. Lindsay presented information pertaining to US Code, Title 49, Section 31114 stating that it was his opinion that this Code would invalidate the City of Lodi Ordinance. He further stated it appears that he cannot influence Council Members regarding this matter but that he can influence businesses and voters.

The City Clerk was directed to provide the City Attorney with a copy of the US Code, Title 49 as was presented by Mr. Lindsay to allow the City Attorney to review the document.

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**Don Lindsay**  
Driver/Trainer

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## **Ideas**

submitted by Don Lindsay

February 2, 2000

### **Set up truck routes.**

People will have to be educated that trucks are needed to keep the city running. If trucks can safely park, let them.

### **Require permits for local trucking companies.**

Before a business permit is issued, the owner must show proof they have made parking arrangements. The city is not their parking lot.

### **Set time limits for how long a truck can stay in one spot.**

Meter maids do this with cars.

A reasonable example is 48 hours midnight to midnight. This way a driver could get into town Friday afternoon, stay in a motel and unload Monday morning. A courtesy note could be put on the truck to let the driver know when the truck needs to be moved. In this example the truck must be moved by midnight on Monday or it will be ticketed. They are actually getting 72 hours if moved at midnight on Monday.

### **Put in a truck stop on Highway 99.**

There is a piece of property in the county that would be good for a truck stop, if variances and waivers could be obtained.

US Code as of: 01/26/98

**Sec. 31114. Access to the Interstate System**

- (a) Prohibition on Denying Access. - A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between -
  - (1) the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under section 31111(f) or 31113(e) of this title) and other qualifying Federal-aid Primary System highways designated by the Secretary of Transportation; and
  - (2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.
- (b) Exception. - This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

US Code as of: 01/26/98

**Sec. 31111. Length limitations**

- (a) Definitions. - In this section -
  - (1) "maxi-cube vehicle" means a truck tractor combined with a semitrailer and a separable property-carrying unit designed to be loaded and unloaded through the semitrailer, with the length of the separable property-carrying unit being not more than 34 feet and the length of the vehicle combination being not more than 65 feet.
  - (2) "truck tractor" means -
    - (A) a non-property-carrying power unit that operates in combination with a semitrailer or trailer; or
    - (B) a power unit that carries as property only motor vehicles when operating in combination with a semitrailer in transporting motor vehicles.
- (b) General Limitations. - (1) Except as provided in this section, a State may not prescribe or enforce a regulation of commerce that -
  - (A) imposes a vehicle length limitation of less than 45 feet on a bus, of less than 48 feet on a semitrailer operating in a truck tractor-semi-trailer combination, or of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semi-trailer-trailer combination, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under subsection (e) of this section;
  - (B) imposes an overall length limitation on a commercial motor vehicle operating in a truck tractor-semi-trailer or truck tractor-semi-trailer-trailer combination;
  - (C) has the effect of prohibiting the use of a semitrailer or trailer of the same dimensions as those that were in actual and lawful use in that State on December 1, 1982;
  - (D) has the effect of prohibiting the use of an existing semitrailer or trailer, of not more than 28.5 feet in length, in a truck tractor-semi-trailer-trailer combination if the semitrailer or trailer was operating lawfully on December 1, 1982, within a 65-foot overall length limit in any State; or
  - (E) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events.
    - (2) A length limitation prescribed or enforced by a State under paragraph (1)(A) of this subsection applies only to a semitrailer or trailer and not to a truck tractor.
- (c) Maxi-Cube and Vehicle Combination Limitations. - A State may not prohibit a maxi-cube

vehicle or a commercial motor vehicle combination consisting of a truck tractor and 2 trailing units on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary under subsection (e) of this section.

- (d) Exclusion of Safety and Energy Conservation Devices. - Length calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle. However, such a device may not have by its design or use the ability to carry cargo.
- (e) Qualifying Highways. - The Secretary by regulation shall designate as qualifying Federal-aid Primary System highways those highways of the Federal-aid Primary System in existence on June 1, 1991, that can accommodate safely the applicable vehicle lengths provided in this section.
- (f) Exemptions. - (1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from either or both provisions.
  - (2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section.
  - (3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.
  - (4)
    - (A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the Secretary shall exempt the segment from either or both of those provisions. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.
    - (B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the

Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

- (C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (e) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.
- (g) Accommodating Specialized Equipment. - In prescribing regulations to carry out this section, the Secretary may make decisions necessary to accommodate specialized equipment, including automobile and vessel transporters and maxi-cube vehicles.

US Code as of: 01/26/98

**Sec. 31113. Width limitations**

- (a) General Limitations. - (1) Except as provided in subsection (e) of this section, a State (except Hawaii) may not prescribe or enforce a regulation of commerce that imposes a vehicle width limitation of more or less than 102 inches on a commercial motor vehicle operating on -
  - (A) a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section);
  - (B) a qualifying Federal-aid highway designated by the Secretary of Transportation, with traffic lanes designed to be at least 12 feet wide; or
  - (C) a qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary decides the designation is consistent with highway safety.
    - (2) Notwithstanding paragraph (1) of this subsection, a State may continue to enforce a regulation of commerce in effect on April 6, 1983, that applies to a commercial motor vehicle of more than 102 inches in width, until the date on which the State prescribes a regulation of commerce that complies with this subsection.
    - (3) A Federal-aid highway (except an interstate highway) not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the chief executive officer of the State in which the highway is located.
- (b) Exclusion of Safety and Energy Conservation Devices. - Width calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle.
- (c) Special Use Permits. - A State may grant a special use permit to a commercial motor vehicle that is more than 102 inches in width.
- (d) State Enforcement. - Consistent with this section, a State may enforce a commercial motor vehicle width limitation of 102 inches on a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section) or other qualifying Federal-aid highway designated by the Secretary.
- (e) Exemptions. - (1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having the width provided in subsection (a) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment.
  - (2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the



exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having the width provided for in subsection (a) of this section.

- (3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.
- (4)
  - (A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a width provided in subsection (a) of this section, the Secretary shall exempt the segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.
  - (B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.
  - (C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (a) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.